IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3317 of 2005

Between:

Smt. B. Kamala Kurmari, W/o. B. Seetha Reddy, India,
R/o. Pamarru, Pamarru Mandal, Krishna District.

..... PETITIONER

AND

1 The Commissioner,

Panchayat Raj and Rural Employment,
Urdu Hall Lane, Himayatnagar, Hyderabad.
2 The Collector,

Krishna (Panchayat Division) Machilipatnam,

Krishna District.
3 Rekapally Krishna Vasu, S/o. R. Narasimha Rao,

Pamarru Gram Panchayat, Pamarru, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly, one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd Respondent to re-instate the Petitioner to the Post of Sarpanch, Pammaru Gram Panchayat, Krishna District, in pursuance of the order dated 11-02-2005 passed by the 1st Respondent in Appeal No. 14089/CRP/D1/2004 as illegal, arbitrary, malafide and consequentially direct the 2nd Respondent to the 2nd Respondent to re-instate the Petitioner to the Post of Sarpanch, Pammaru Gram Panchayat, Krishna District.

Counsel for the Petitioner: Mr. K.V.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

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The petitioner is the elected sarpanch of Pamarru Grama Panchayat. By an order of the second respondent-District Collector (Panchayat Division), Machilipatnam, Krishna District, dated 30.11.2004, she was removed from the office under Section 249(1) of A.P.Panchayat Raj Act, 1994. Aggrieved by the same, the petitioner preferred an appeal before the first respondent-Commissioner of Panchayat Raj. The said appeal was allowed by an order dated 11.02.2005 and the matter was remitted back to the second respondent for supplying the enquiry report to the petitioner herein and to take further action in accordance with law.

The only grievance of the petitioner in this writ petition is that in spite of the order of the first respondent, dated 11.02.2005, the second respondent is not allowing her to function as Sarpanch. It is contended that since the order of removal was set aside on Appeal, the petitioner is entitled to continue in the office. Hence this writ petition seeking a declaration that the action of the second respondent in not reinstating the petitioner to the office of the Sarpanch of the Pamarru Grama Panchayat, is arbitrary and illegal.

The matter was adjourned on 23.02.2005 to enable the learned Government Pleader for Panchayat Raj to get instructions. Today, when the matter is taken up for consideration, learned Government Pleader, under instructions, states that the order of the first respondent dated 11.02.2005 was received by the 2nd respondent on 21-02-2005 and the further steps to restore the petitioner to the office of Sarpanch are under progress.

Accordingly, recording the statement of the learned Government Pleader, the writ petition is disposed of with a direction to the respondents to restore the petitioner in terms of the order of the 1st respondent dated 11-02-2005 within a period of one week from the date of receipt of this order. No costs.

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28.02.2005

Note : Furnish C.C. in two days.

(B/O)

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To

1 The Commissioner,

Panchayat Raj and Rural Employment,
Urdu Hall Lane, Himayatnagar, Hyderabad.

2 The Collector,

Krishna (Panchayat Division) Machilipatnam,

Krishna District.

3 Rekapally Krishna Vasu, S/o. R. Narasimha Rao,

Pamarru Gram Panchayat, Pamarru, Krishna District.

4 Two CCs to the GP for Panchayat Raj &

Rural Development, High Court of AP.,

Hyderabad (O.U.T.)

5 2 CD copies.